

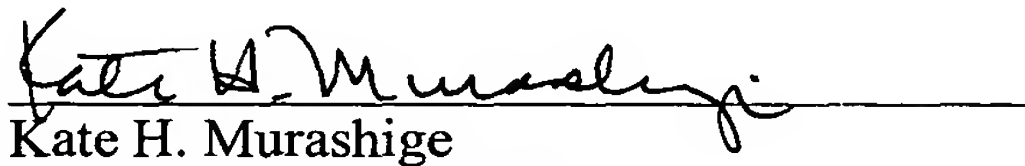
REMARKS

This application is filed to pursue subject matter that was non-elected in the parent application as a result of a restriction requirement. Claim 29 claims proteins that are encoded by the nucleotide sequence set forth in the allowed claim of the parent except that in subparagraph c), some lack of identity is permitted as long as functionality is retained. Claims 30-33 simply parse the elements of claim 29. Claim 34 is directed to a method to use the protein claimed, and thus should be examined in the same application. Support for new claim 34 is found, for example, on page 38 of the specification which describes competition binding of various pesticide proteins to the tissue which contains the isolated protein of the invention. No new matter has been added and entry of the amendment is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 524182000310.

Respectfully submitted,

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